

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. ANNE THOMAS,

Plaintiff,

-against-

23-cv-08821-AT

VNS HEALTH,

Defendant.
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**DEFENDANT VISITING NURSE SERVICE OF NEW YORK HOME CARE D/B/A VNS
HEALTH HOME CARE NOTICE OF PARTIAL MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, the Declaration of Caroline F. Secola and accompanying exhibit, and upon the pleadings and records on file in this action and on such other and further evidence or argument as may be presented at or before the hearing of this Motion, the undersigned counsel for defendant Visiting Nurse Service of New York Home Care d/b/a VNS Health Home Care ("VNS Health"), incorrectly captioned as VNS Health, hereby moves this Court before the Honorable Analisa Torres, United States District Court Judge, at the United States Courthouse located at 500 Pearl Street, New York, New York, 10007, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing, with prejudice, plaintiff's claims of age discrimination under the Age Discrimination in Employment Act, the New York State Human Rights Law, and the New York City Human Rights Law, and for any such further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that any answering papers to be submitted in opposition to this motion are to be served on the undersigned on or before February 14, 2024.

Pursuant to Rule III. K of this Court's Individual Practices in Civil Cases, Defendant will submit a separate letter, at the time Defendant's reply is filed, to the Court requesting that oral argument be set for a date and time designated by the Court.

Dated: Darien, Connecticut
January 24, 2024

Respectfully submitted,

Florentino & Grimshaw LLC

By: 

Kristina Grimshaw
Caroline Secola
800 Westchester Ave
Suite N-641
Rye Brook, NY 10573

Attorneys for Defendant Visiting
Nurse Service of New York Home
Care d/b/a VNS Health Home Care

CERTIFICATE OF SERVICE

I, Caroline F. Secola, hereby certify that on January 24, 2024, I caused the above and the foregoing Declaration of Caroline F. Secola, with exhibit, and Memorandum of Law to be electronically filed with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record, and caused to be served copies of same via email to mmesidor@wigdorlaw.com and csabato@wigdorlaw.com and by Federal Express to Plaintiff's Counsel, Wigdor LLP at the following address:

Wigdor LLP
Attn: Marjorie Mesidor, Esq.
85 Fifth Avenue
New York, NY 10003

Caroline F. Secola

Caroline F. Secola